

### Amendments to the Claims

This listing of claims replaces all prior versions and listings of claims:

#### Listing of Claims:

1. (Currently amended) An imaging device comprising:

an image capturing unit;

a first imaging control unit that has the image capturing unit execute moving picture imaging;

a moving picture file creation unit that creates a moving picture file based on moving picture data acquired through the moving picture imaging by the first imaging control unit;

a first recording control unit that records in a memory the moving picture file created data obtained through the moving picture imaging by the first imaging control moving picture file creation unit;

a recording instruction unit that instructs to record a still picture;

a still picture acquisition unit that acquires, when recording of a still picture is instructed by the recording instruction unit ~~during execution of the moving picture imaging by~~ while the first imaging control unit is executing moving picture imaging and the first recording control unit is recording the moving picture file in the memory, still picture data at the timing instructed;

a still picture file creation unit that creates a still picture file based on the still picture data acquired by the still picture acquisition unit;

a second recording control unit that records in a memory the still picture data acquired file created by the still picture acquisition file creation unit; and

a third recording control unit that records in ~~[[a]]~~ the memory the still picture data acquired by the still picture acquisition unit as index ~~image~~ picture data of the moving picture data file recorded in the memory by the first recording control unit in addition to the still picture file created by the still picture file creation unit and recorded in the memory by the second recording control unit.

2. (Currently amended) An imaging device according to claim 1, further comprising a second imaging control unit that has the image capturing unit execute still picture imaging, wherein

the recording instruction unit instructs still picture imaging and still picture recording,

the second imaging control unit has the ~~imaging~~ image capturing unit execute still picture imaging when the recording instruction unit instructs still picture imaging and still picture recording, and

the still picture acquisition unit acquires still picture data obtained through still picture imaging by the second imaging control unit when the recording instruction unit instructs still picture imaging and still picture recording.

3. (Original) An imaging device according to claim 1, wherein, when the recording instruction unit instructs still picture recording, the still picture acquisition unit acquires still picture data at a timing of the instruction from among moving picture data obtained through the moving picture imaging by the first imaging control unit.

4. (Original) An imaging device according to claim 1, further comprising:

a still picture imaging unit that captures still pictures, wherein the recording instruction unit instructs still picture imaging and still picture recording, and

a third imaging control unit that has the still picture imaging unit execute still picture imaging when the recording instruction unit instructs still picture imaging and still picture recording, wherein the still picture acquisition unit acquires still picture data obtained through the still picture imaging by the third imaging control unit when the recording instruction unit instructs still picture imaging and still picture recording.

5. (Currently amended) An imaging device according to claim 1, further comprising a size reduction unit that reduces a picture size of still picture data acquired by the still picture acquisition unit, wherein the third recording control

unit records the still picture data whose picture size is reduced by the size reduction unit in the memory as index picture data of the moving picture data file.

6. (Canceled)

7. (Currently amended) An imaging device according to claim [[6]] 1, ~~further comprising a moving picture file creation unit that creates a moving picture file based on moving picture data acquired through the moving picture imaging by the first imaging control unit~~, wherein

~~the first recording control unit records in the memory a moving picture file created by the moving picture file creation unit, and~~

the third recording control unit records in the memory still picture data acquired by the still picture acquisition unit as accompanying data of the moving picture file that is recorded in the memory by the first recording control unit.

8. (Currently amended) An imaging device according to claim 1, wherein the third recording control unit records in the memory still picture data acquired by the still picture acquisition unit as head picture data of the moving picture data in the moving picture file that is recorded in the memory by the first recording control unit.

9. (Currently amended) An imaging device according to claim 1, further comprising an imaging instruction unit that instructs moving picture imaging, wherein

the first imaging control unit has the imaging image capturing unit execute moving picture imaging when the imaging instruction unit instructs the moving picture imaging.

10. (Currently amended) An imaging device according to claim 9, wherein the third recording control unit records in the memory first still picture data acquired by the still picture acquisition unit after the imaging instruction unit instructs the moving picture imaging as index picture data of the moving picture data file.

11. (Currently amended) An imaging device according to claim 1, wherein, when the recording instruction unit instructs still picture imaging a plurality of

times during execution of the moving picture imaging by the first imaging control unit, the still picture acquisition unit acquires a plurality of still picture data at timings of the instructions,

the still picture file creation unit creates a plurality of still picture files based on the plurality of still picture data acquired by the still picture acquisition unit.

the second recording control unit records in the memory the plurality of still picture data ~~acquired~~ files created by the still picture acquisition ~~file creation~~ unit, and

the third recording control unit records in the memory the plurality of still picture data acquired by the still picture acquisition unit as index picture data of the moving picture data files.

12. (Currently amended) An imaging device according to claim 1, further comprising a judging unit that judges whether the recording instruction unit ~~instructs~~ has given an instruction for still picture imaging during execution of the moving picture imaging by the first imaging control unit, wherein

the third recording control unit records in the memory head picture data of moving picture data in the moving picture file that is recorded in the memory by the first recording control unit as index picture data of the moving picture data file, when the judging unit judges that still picture imaging is ~~has~~ not been instructed.

13. (Original) An imaging device according to claim 1, further comprising an index picture reproducing unit that reproduces still picture data that is recorded as index picture data in the memory by the third recording control unit.

14. (Currently amended) An imaging device according to claim 13, wherein the index picture reproducing unit includes a unit that reproduces a plurality of still picture data recorded in the memory as index picture data by the third recording control unit, and further comprising

a selection unit that selects desired still picture data from among the plurality of still picture data reproduced by the index picture reproducing unit, and

a moving picture reproducing unit that reproduces a moving picture data file corresponding to the still picture data selected by the selection unit.

15. (Currently amended) An imaging device comprising:

an image capturing unit;

a first imaging control unit that has the image capturing unit execute moving picture imaging;

a first recording control unit that records in a memory moving picture data obtained through the moving picture imaging by the first imaging control unit;

a recording instruction unit that instructs to record a still picture;

a still picture acquisition unit that acquires, when recording of a still picture is instructed by the recording instruction unit ~~during execution of the moving picture imaging by~~ while the first imaging control unit is executing moving picture imaging and the first recording control unit is recording moving picture data in the memory, still picture data at the timing instructed;

a second recording control unit that records in a memory the still picture data acquired by the still picture acquisition unit;

a third recording control unit that records timing information that specifies the timing instructed in correlation to the moving picture data that is recorded in the memory by the first recording control unit, when recording of a still picture is instructed by the recording instruction unit ~~during execution of the moving picture imaging by~~ while the first imaging control unit is executing moving picture imaging and the first recording control unit is recording moving picture data in the memory;

a still picture extracting unit that extracts, based on the timing information recorded in correlation to the moving picture data in the memory, from among the moving picture data correlated with the timing information and recorded in the memory, the still picture data acquired at the timing instructed when an instruction has been given to record the still picture; and

an index image reproduction unit that reproduces the still picture data extracted by the still picture extracting unit as index image data of the moving picture data.

16. (Currently amended) An imaging device according to claim 15, further comprising a second imaging control unit that has the image capturing unit execute still picture imaging, wherein

the recording instruction unit instructs still picture imaging and still picture recording,

the second imaging control unit has the imaging image capturing unit execute still picture imaging when the recording instruction unit instructs still picture imaging and still picture recording, and

the still picture acquisition unit acquires still picture data obtained through the still picture imaging by the second imaging control unit when the recording instruction unit instructs still picture imaging and still picture recording.

17. (Original) An imaging device according to claim 15, wherein the timing information is information indicative of the number of picture frames.

18. (Original) An imaging device according to claim 15, wherein the timing information is information indicative of an elapsed time from the time the moving picture imaging is started until the still picture imaging is instructed.

19. (Currently amended) An imaging device comprising:

an image capturing unit;

a first imaging control unit that has the image capturing unit execute moving picture imaging;

an imaging instruction unit that instructs still picture imaging;

a second imaging control unit that has the image capturing unit execute still picture imaging when imaging of a still picture is instructed by the imaging instruction unit during execution of the moving picture imaging by the first imaging control unit;

a recording control unit that ~~records in a memory correlating~~ correlates moving picture data obtained through the moving picture imaging by the first imaging control unit ~~and with~~ still picture data obtained through the still picture imaging by the second imaging control unit ~~to each other during execution of the moving picture imaging by the first imaging control unit to obtain said moving picture data, and then records in a memory the moving picture data and the still picture data correlated with each other;~~ and

an index image reproduction unit that reproduces the still picture data recorded in the memory in correlation to the moving picture data as index image data of the moving picture data recorded in the memory in correlation to said still picture data.

20. (Canceled)

21. (Currently amended) An imaging method comprising:

a step of having an image capturing unit execute moving picture imaging to obtain moving picture data and recording in a memory the obtained moving picture data as a moving picture file;

a step of acquiring, when recording of a still picture is instructed during execution of the moving picture imaging and recording of the moving picture file, still picture data at a timing instructed;

a step of recording in a memory ~~moving picture data obtained through the moving picture imaging and the~~ acquired still picture data acquired as a still picture file; and

a step of recording in ~~[[a]]~~ the memory the acquired still picture data acquired as index image data of the moving picture data file recorded in the memory in addition to the still picture file recorded in the memory.

22. (Currently amended) A ~~program to be executed by a computer of an imaging device, the program comprising:~~ computer readable medium having encoded thereon a computer program comprising a set of instructions when

executed by a computer to implement a method for capturing, processing and storing moving and still images, the method comprising the steps of:

a processing for step of having an image capturing unit execute moving picture imaging to obtain moving picture data and recording in a memory the obtained moving picture data as a moving picture file;

a processing for step of acquiring still picture data of the timing instructed when the recording of a still picture is instructed during execution of the moving picture imaging and recording of the moving picture file;

a processing for step of recording in the memory the moving picture data obtained through the moving picture imaging and the acquired still picture data acquired as a still picture file; and

a processing for step of recording in the memory the acquired still picture data acquired as index image data of the moving picture data file recorded in the memory in addition to the still picture file recorded in the memory.